

655 Third Avenue, 22nd Fl.
New York, NY 10017

T: 212.370.0330
www.pkblp.com

Petrillo Klein + Boxer

ADAM H. SCHUMAN
aschuman@pkblp.com
D: 212.370.0390
M: 917.574.0883

November 27, 2023

BY ECF

The Hon. Eric Komitee
United States District Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: U.S. v. Karony, et al. (No. 23-CR-433)

Dear Judge Komitee:

On behalf of our client, Braden John Karony, we respectfully write in response to the Government's letter of today's date, and in further support of our letter dated November 22, 2023, in which we request that that Court revisit Mr. Karony's bail conditions at this time.

First, the Government does not dispute that Mr. Karony is not scheduled to arrive in the Eastern District of New York in time for the status conference scheduled for December 6, 2023, and the Government acknowledges that the U.S. Marshal's Service has not even prepared a "formal manifest" for moving Mr. Karony, even though Your Honor ordered him to be removed two weeks ago. We submit that these delays are unreasonable. Cf. 18 U.S.C. § 3161(h)(1)(F) ("delay resulting from transportation of any defendant from another district ... in excess of ten days ... shall be presumed to be unreasonable.").¹

Second, Mr. Karony can propose a bail package that markedly differs from what was considered by Your Honor on November 13, 2023. Most notably, Mr. Karony and his parents have come together during this difficult time, and Mr. Karony's parents have indicated their willingness to co-sign for Mr. Karony.

¹ The Government should not be permitted to defer to the U.S. Marshal's Service. In separate communications with counsel, the Government has similarly lacked detail regarding what devices and other possessions have been seized from Mr. Karony. For example, the Government has failed to provide keys taken from Mr. Karony that are needed for family members to access Mr. Karony's vehicles while he is in custody.

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Third, preparation of Mr. Karony's defense has been prejudiced by his continued detention in Utah. The undersigned counsel in New York has had limited calls with Mr. Karony due to restrictions on the number and length of calls that Mr. Karony can conduct while in custody. In addition, calls with counsel are monitored, which precludes attorney-client communications.

Fourth, the challenges faced by Mr. Karony extend more broadly to SafeMoon. SafeMoon has some 60 employees, and Mr. Karony held the title of CEO, as the Government acknowledges. I have been advised by persons currently managing SafeMoon that the company's ability to operate would benefit from communications with Mr. Karony. Mr. Karony has information about the company's assets and business relationships that is not in the possession of others, such as the status of company products under development, the company's relationships with vendors supporting products, and the company's intellectual property.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Adam H. Schuman', is written over a horizontal line.

Adam H. Schuman
Caelyn Stephens